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9
10 **BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

Case No. 2010-41

13 **EUGENE DIZON GOMEZ**
17914 Los Pesos Circle
14 Fountain Valley, CA 92708

A C C U S A T I O N

15 **Registered Nurse License No. 683900**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Heidi J. Goodman (Complainant) brings this Accusation solely in her official capacity
21 as the Assistant Executive Officer of the Board of Registered Nursing, Department of Consumer
22 Affairs.

23 2. On or about July 19, 2006, the Board of Registered Nursing issued Registered Nurse
24 License Number 683900 to Eugene Dizon Gomez (Respondent). The Registered Nurse License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 August 9, 2009, unless renewed.

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1 (5) If applicable, evidence of expungement proceedings pursuant to
Section 1203.4 of the Penal Code.

2 (6) Evidence, if any, of rehabilitation submitted by the licensee.

3 **COST RECOVERY**

4 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
5 administrative law judge to direct a licensee found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(October 2, 2007 Criminal Conviction for Domestic Battery on August 12, 2007)**

10 12. Respondent has subjected his license to disciplinary action under sections 490 and
11 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
12 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
13 follows:

14 a. On or about October 2, 2007, in a criminal proceeding entitled *People of*
15 *the State of California v. Eugene Dizon Gomez*, in Orange County Superior Court, case number
16 07HM06559, Respondent was convicted on his plea of guilty of violating Penal Code section
17 273.5, subdivision (a), domestic battery with corporal injury, a misdemeanor.

18 b. As a result of the conviction, on or about October 2, 2007, Respondent
19 was sentenced to three years informal probation, 30 days in the Orange County Jail or complete
20 30 days service with CalTrans in lieu of jail, eight hours community service, completion of a
21 Domestic Violence Batterer's Treatment Program, and payment of fees, fines, and restitution in
22 the amount of \$1,155. Respondent was further ordered to submit to a Fourth Amendment waiver,
23 not own or possess firearms for 10 years, and standard probation terms.

24 c. The facts that led to the conviction were that on or about August 13,
25 2007, Respondent's wife (hereinafter "DOE") went to the Irvine Police Department to report a
26 domestic battery committed by Respondent, her husband. According to DOE, the couple had
27 been having marital problems for the previous 2-3 weeks. The night before, shortly after
28 midnight, Respondent came into the master bedroom where she was asleep with her daughter next

1 to her. Respondent began punching her all over her body with closed fists. DOE kicked at
2 Respondent in an effort to push him away. DOE stated that she was going to seek a divorce.
3 This enraged Respondent and he continued to punch her with closed fists. DOE stated the
4 altercation consisted of three "rounds." Respondent left the room and DOE placed items
5 Respondent would need in the morning outside the bedroom door and locked it. DOE had all
6 three children in the bedroom with her. The next morning, Respondent pounded on the door
7 demanding entry and yelling; the children were extremely fearful. The officer had photographs
8 taken of DOE's injuries which included bruises on the victim's left calf and thigh, bruises on the
9 victim's upper and lower right arm, bruises on the victim's upper left arm, a bump on top of the
10 victim's head, and multiple small scratches. Based on DOE's injuries, the Irvine Police
11 Department issued a temporary restraining order and dispatched officers to the couple's residence
12 where they spoke to Respondent. Respondent confirmed that he had battered his wife and was
13 placed under arrest.

14 SECOND CAUSE FOR DISCIPLINE

15 (Assaultive Conduct)

16 13. Respondent is subject to disciplinary action under section 2761, subdivision (a),
17 unprofessional conduct, in that on or about August 13, 2007, Respondent committed battery on
18 his wife. Such assaultive conduct is substantially related to the qualifications, functions, and
19 duties of a registered nurse pursuant to California Code of Regulations, title 16, section 1444,
20 subdivision (a) in that it evidences the present or potential unfitness of Respondent to practice in a
21 manner consistent with the public health, safety, or welfare.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 683900, issued to Eugene
5 Dizon Gomez;

6 2. Ordering Eugene Dizon Gomez to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

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12 DATED: 7/27/09

Heidi J. Goodman
Heidi J. Goodman
Assistant Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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